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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/047,486 | 01/14/2002 | Jakob Schmitt | SCHMITT-13 | 4006 |
| 20151 | 7590 | 01/30/2004 | EXAMINER | |
| HENRY M FEIEREISEN, LLC 350 FIFTH AVENUE SUITE 4714 NEW YORK, NY 10118 | | | COZART, JERMIE E | |
| | | ART UNIT | PAPER NUMBER | |
| | | 3726 | | |
| DATE MAILED: 01/30/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

| | | |
|-----------------|---------------------------|--|
| Application No. | 10/047,486 | |
| Examiner | Art Unit Jermie Cozart | |
| | 3726 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 17 November 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-8 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1 and 3-8 is/are rejected.

7) Claim(s) 2 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____.
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-5, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito (6,330,739) in view of Johnson (3,442,008).

Ito discloses securing a rod shaped part (2) in a surrounding holding member (1) by shaping the holding (1) into a cross-section in accordance to a cross-section of the rod-shaped part (2). The rod-shaped part is inserted into the holding member, and the holding member is press-fitted about the rod-shaped part to permanently connect the holding member to the rod-shaped part. The rod-shaped part (2) has a radial profile.

See column 2, line 63 – column 4, line 40, and Figures 1-4 for further clarification.

Ito, however, does not disclose fabricating a flat holding member having opposite side edges formed with elements configured for interlocking engagement, bending the side edges of the holding member upwards, the shaping and bending steps being implemented by a roll forming operation, the press-fitting step including at least two pressing operations which act on the holding member at positions offset to one another by 90 degrees.

Johnson discloses fabricating a flat holding member (22) having opposite side edges (20, 24) formed with elements configured for interlocking engagement, bending

the side edges of the holding member upwards, the shaping and bending steps being implemented by a roll forming operation, the press-fitting step including at least two pressing operations which act on the holding member at positions offset to one another by 90 degrees. *See column 2, line 60 – column 3, line 41, and Figures 3-8 for further clarification.*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to fabricate the holding member of Ito as being flat or rather having a level top surface with opposite side edges formed with elements configured for interlocking engagement, to bend the side edges of the holding member upwards wherein shaping and bending of the holding member are implemented by a roll forming operation, and to perform the press-fitting step such at least two pressing operations act on the holding member at positions offset to one another by 90 degrees, in light of the teachings of Johnson, in order to effectively secure the opposite end portions against unwanted separation during use.

3. Claims 1, 3, and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herb et al. (4,673,321) in view of Johnson (3,442,008).

Herb discloses securing a rod-shaped part (e.g. bolt) in a surrounding holding member (1) by fabricating a flat holding member (1) having opposite side edges configured with locking elements (11, 12) for interlocking engagement. The holding member (1) is shaped into a cross-section in accordance to a cross-section of the rod-shaped part (e.g. bolt). The rod-shaped part is inserted into the holding member (1), and the holding member (1) is brought into press-fit engagement about the rod-shaped

part by threading engagement between the rod-shaped part and holding member, and the fact that the rod-shaped part and holding member are confined within an opening in the receiving material, to permanently connect the holding member to the rod-shaped part. The rod-shaped part has a radial profile, a thread, is a threaded rod (e.g. bolt), and a circular cross-section.

Herb, however, does not disclose bending the side edges of the holding member upwards, or the shaping and bending steps being implemented by a roll forming operation.

Johnson discloses fabricating a flat holding member (22) having opposite side edges formed with elements (20, 24) configured for interlocking engagement, bending the side edges of the holding member upwards (22), and the shaping and bending steps being implemented by a roll forming operation. See *column 2, line 60 – column 3, line 41, and Figures 3-8 for further clarification.*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to bend the side edges of the holding member of Herb upwards wherein shaping and bending of the holding member are implemented by a roll forming operation, in light of the teachings of Johnson, in order to effectively secure the opposite end portions against unwanted separation during use.

Allowable Subject Matter

4. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments with respect to claims 1 and 3-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

7. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information. M.P.E.P. 203.08. The Group clerical receptionist number is (703) 308-1148.

9. If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers or other general questions should be directed to Tech Center 3700 Customer Service at (703) 306-5648, or fax (703) 872-9301 or by email to CustomerService3700@uspto.gov.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jermie Cozart whose telephone number is 703-305-0126. The examiner can normally be reached on Monday-Thursday, 7:30 am - 6:00 pm.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 703-308-1789. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Listed below are a few helpful numbers and web address for The United States Patent and Trademark Office.

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| Drawing Corrections/Draftsman | (703) 305-8404 or (703) 305-8335 |
| Petitions/Special Programs | (703) 305-9285 |
| Terminal Disclaimers | (703) 305-8408 |
| PCT Help Desk | (703) 305-3257 |
| Information Help Line | (800) 786-9199 |
| Internet PTO-Home Page | http://www.uspto.gov |

JC 
January 23, 2004



DAVID P. BRYANT
PRIMARY EXAMINER